

RECORD OF PROCEEDINGS
Dublin City Council

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

February 23, 2015

Held _____ 20 _____

CALL TO ORDER

Mayor Keenan called the Monday, February 23, 2015 Regular Meeting of Dublin City Council to order at 6 p.m. at the Dublin Municipal Building.

ROLL CALL

Members present were Mayor Keenan, Vice Mayor Gerber, Mr. Lecklider, Mr. Peterson, Mr. Reiner and Ms. Salay. Ms. Chinnici-Zuercher was absent (excused).

Staff members present were Mr. McDaniel, Ms. Readler, Mr. Hartmann, Ms. Mumma, Mr. Foegler, Chief von Eckartsberg, Ms. O'Callaghan, Mr. Hahn, Ms. Puskarcik, Mr. Langworthy, Mr. Hammersmith, Ms. Gilger and Mr. Kridler.

ADJOURNMENT TO EXECUTIVE SESSION

Mayor Keenan moved to adjourn to executive session to discuss the purchase of property for public purposes and personnel matters related to the appointment of a public official. Mr. Reiner seconded the motion.

Vote on the motion: Mr. Lecklider, yes; Ms. Salay, yes; Mr. Peterson, yes; Vice Mayor Gerber, yes; Mayor Keenan, yes; Mr. Reiner, yes.

The meeting was reconvened at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Ms. Salay led the Pledge of Allegiance.

PROCLAMATION

- National Entrepreneurship Week – February 21-28, 2015

Mayor Keenan presented a proclamation to Dublin Entrepreneurial Center (DEC) tenant, Jeff Elder, co-founder of Bald Head Creative, in honor of National Entrepreneurship Week. He stated that Dublin Entrepreneurial Center is home to over 100 start-up companies, such as Bald Head Creative, which utilize the resources available in Dublin to grow, prosper and become a crucial part of the City's economy. Entrepreneurs such as Jeff Elder not only build their businesses in Dublin, but contribute their talents and ideas to help other businesses in the City's thriving small business community.

Mr. Noble thanked the City and DEC for the opportunity. They are beginning their second year at the DEC, and the support, encouragement and contacts he has made have all contributed to the success of his company. He thanked Chaz Freutel for his leadership at the DEC. Council's support of the DEC is valuable and entrepreneurship is "alive and well" in the City of Dublin.

Mayor Keenan added that at a recent presentation at the DEC, it was noted that approximately 87% of Dublin businesses have eight or less employees. Council wants each of the businesses at the DEC to be successful, experience real growth, and remain in Dublin. The City has a very good return on investment with the DEC.

Mr. McDaniel added that the DEC has housed over 100 start-up companies, and that is rare for an entrepreneurial center in a community of Dublin's size. Dublin has a tradition of entrepreneurship, which these companies are continuing.

Mayor Keenan noted that DEC Director Chaz Freutel is present this evening. He expressed thanks to him for all of his efforts at the DEC.

SPECIAL PRESENTATIONS

- "Dublin, Ohio: A Great Place to Live and Work"

Mr. McDaniel shared a video produced in partnership between the City of Dublin and the Dublin Chamber of Commerce. The Chamber has been a great partner with the City for many years, working in support of Dublin's business community. They are the second largest Chamber in the State of Ohio. The Chamber's Human Resource Executive Council is made up of human resource professionals from throughout the business community. They recognized the need for a recruiting video that would inform about Dublin, and this is

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what was developed. Mr. McDaniel expressed his appreciation to Shared Vision for their work on this video for the City and the Chamber.

Mr. Reiner noted that they did an excellent job utilizing film clips with voice-overs, quickly hitting the highlights with a positive message – great job!

CITIZEN COMMENTS

Wallace Maurer, 7451 Dublin Road, Dublin stated he will defer the topic he intended to speak about until another time. He shared that yesterday, he acquired a live-in companion – a very smart cat!

Rose Zhang, 8044 Lombard Way, Dublin shared a short video clip on behalf of the Shen Yun Group, a classical Chinese dancing company. Based in New York, the group conducts performances around the world. Their mission is to revive the 5,000-year old genuine Chinese culture. China is a very old civilization with 56 ethnic groups today. Many Chinese have made Dublin their home and appreciate its friendly, multi-cultural environment. Shen Yun does a good job presenting the traditional classical Chinese civilization through dancing and the use of modern technology. They also use hand-sewn costumes, uniquely designed each year, and a full live orchestra with classical Chinese instruments for the leading melodies. The two-string violin dates back 4,000 years and has a unique sound. The Shen Yun group will be performing at the Ohio Theater on March 11 and 12. She invited everyone to attend.

CONSENT AGENDA

Mr. Gerber moved approval of the six items on the Consent Agenda.

Ms. Salay seconded the motion.

Vote on the motion: Ms. Salay, yes; Mr. Lecklider, yes; Mr. Reiner, yes; Mayor Keenan, yes; Mr. Peterson, yes; Vice Mayor Gerber, yes.

1. Approval of Minutes of Regular Meeting of February 9, 2015
2. Notice to Legislative Authority re New D5A liquor permit for Midas Dublin Mgmt. LLC, dba Residence Inn by Marriott, 6364 Frantz Road
3. Notice to Legislative Authority re New C2 permit for McCormack & Taylor LLC, dba Green Olive Company, 36 N. High Street
4. **Ordinance 15-15 (Introduction/first reading)**
Authorizing the City Manager to Execute Necessary Conveyance Documents to Acquire a 0.013 acre, more or less, Permanent Easement and a 0.007 Acre, More or Less, Temporary Easement from Laney and Barbara Stroble, for the property located at 8622 Hyland-Croy Road for the construction of a Shared-use path Connection. (Second reading/public hearing March 9 Council meeting)
5. **Resolution 23-15 (Introduction/vote)**
Authorizing City Manager to Enter into a Pipeline Relocation Agreement with Columbia Gas of Ohio, Inc. to Relocate Pipeline for the Construction of the SR 161/ Riverside Drive Roundabout.
6. **Resolution 24-15 (Introduction/Vote)**
Authorizing the City Manager to Enter into a Letter of Agreement with AT&T for the Design and Construction of an AT&T Underground Ductbank to Replace Aerial Facilities from SR 161 to Martin Road along Riverside Drive as part of the SR 161/Riverside Drive Roundabout.

SECOND READING/PUBLIC HEARING - ORDINANCES

Ordinance 10-15

Authorizing the Provision of Certain Incentives to Garden City Group, Inc. to Induce it to Retain an Office and Associated Operations and Workforce within the City, and Authorizing the Execution of an Economic Development Agreement.

Ms. Gilger stated that subsequent to the first reading on February 9, a couple of inaccuracies in the agreement were corrected. In addition, two other changes have been

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made: (1) the lease term is now three years, and (2) because of the lease term change, the City's incentive has been reduced to a two-year offer with a 12 percent performance incentive. The remainder of the original incentive remains available, contingent upon the renewal of the lease at the end of the third year. It is essentially a "bonus" at the end of the three-year term for renewing the lease for an additional five years – committing to the facility for a total of eight years. The initial \$10,000 grant is no longer included in this offer. The amount of this offer is capped at \$51,500.

Mr. Lecklider inquired the location of the facility.

Ms. Gilger responded that the company would remain at 5151 Blazer Parkway. A representative of the company is present tonight to address Council.

Brian Burke, Vice President of Operations, Garden City Group, 5151 Blazer Parkway, stated that they are a wholly owned subsidiary of Crawford and Company, based out of Atlanta, which has the final decision on the lease agreement. They have modified it to a three-year lease. Although Garden City considered other locations in Ohio, they have been happy in Dublin. They have changed their hiring structure from workers provided by temporary agencies to employees hired by the company.

Mayor Keenan invited public testimony:

Wallace Maurer, 7451 Dublin Road, Dublin inquired about the function of the Garden City Group.

Mr. Burke explained that it is a legal settlement administration firm, working with courts, attorneys and companies.

Vote on the Ordinance: Mr. Reiner, yes; Mr. Lecklider, yes; Mr. Peterson, yes; Vice Mayor Gerber, yes; Ms. Salay, yes; Mayor Keenan, yes.

Ordinance 11-15

Authorizing the Provision of Certain Incentives to Areser, Inc. to Induce it to Locate an Office and Associated Operations and Workforce within the City, and Authorizing the Execution of an Economic Development Agreement.

Ms. Gilger stated that Aresar is a newly formed administrative company, which will bring 18 jobs to Dublin, growing to 24 employees in the future. The City has offered the company a \$10,000 location grant and a ten-year, ten percent performance incentive, which is tied to their purchase of a facility in the City. Company president Ross Youngs is present to respond to Council questions. He is the founder and chairman of Biosortia Pharmaceuticals, one of the DEC tenants. This is a shared service operation that will oversee many startup companies. They will be doing business in Dublin as www.shareservices.us

Ross Youngs, President, 8339 Amberleigh Way, Dublin stated that they will be performing a wide variety of services -- marketing, sales, payroll, accounting and purchases for a number of their own startup companies, including Biosortia Pharmaceuticals, located at the DEC, and several companies in Marysville. At this time, all of the services will be for their companies, but they expect to expand their scope to other companies. The building they purchased is on Tuller Road. They will move to that location soon and begin operations with 20 employees with the anticipation of expanding in the future. He is a long-term Dublin resident – since 1986; his wife is originally from Dublin, Ireland.

Mayor Keenan invited public testimony.

Wallace Maurer, 7451 Dublin Road, Dublin inquired for what companies in Marysville they will provide services.

Mr. Youngs responded that the companies are UniVenture, UniKeep, EnvyPak and a couple of other small LLCs. He noted that they had considered staying in Marysville and at multiple sites in Columbus and Hilliard. It was the assistance from the City of Dublin that prompted their decision to purchase a building in Dublin.

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Vote on the Ordinance: Vice Mayor Gerber, yes; Mr. Reiner, yes; Ms. Salay, yes; Mr. Peterson, yes; Mr. Lecklider, yes; Mayor Keenan, yes.

INTRODUCTION/FIRST READING – ORDINANCES

Ordinance 13-15

Rezoning 3.3 +/- Acres Located on the Northeast Corner of the Intersection of Emerald Parkway and Bright Road from R-1, Restricted Suburban Residential District to SO, Suburban Office and Institutional District. (Case 15-006Z/CU)
(COTA Park and Ride)

Mr. Lecklider introduced the ordinance.

Mr. Langworthy stated that this is a rezoning from a current R-1 District to SO, Suburban Office and Institutional District for land located at the northeast corner of Emerald Parkway and Bright Road. The 1997 Community Plan did not make any changes to the existing uses, but with the 2007 Community Plan update, Council discussed and changed the Bright Road future land use from the PZC recommendation of R-1 to Suburban Office and Institutional. The Suburban Office and Institutional zoning is typically used adjacent to residential areas to provide a transition and buffer. This designation has low lot coverages and low densities. The Bright Road Area Plan in the 2007 Community Plan also carried the future land use designation of Suburban Office and Institutional. It was a designation only; no plans were proposed for the area. Planning staff and PZC have completed their reviews and recommend approval by Council.

Mr. Peterson inquired if the proposed conditional use and future use of this site are tied to this rezoning.

Mr. Langworthy responded that they are not. The Conditional Use is under the purview of the Planning Commission (PZC), and is scheduled to be heard by PZC on March 12.

There will be a second reading/public hearing at the March 9 Council meeting.

Ordinance 16-15

Authorizing the appropriation of a 0.130 acre, more or less, permanent easement; and a 0.036 acre, more or less, temporary easement from Riverpark Group, LLC, for the property located at 6400 Riverside Drive, for the construction of a roundabout at the intersection of State Route 161 and Riverside Drive and a shared-use path adjacent to Riverside Drive, and declaring an emergency. (Request to dispense with public hearing)

Ordinance 17-15

Authorizing the appropriation of a 0.100 acre, more or less, permanent easement; and a 0.096 acre, more or less, temporary easement from Karen Michelle R. Friedman, for the property located at 6310 Riverside Drive, for the construction of a roundabout at the intersection of State Route 161 and Riverside Drive and a shared-use path adjacent to Riverside Drive, and declaring an emergency. (Request to dispense with public hearing)

Ordinance 18-15

Authorizing the appropriation of a 0.011 acre, more or less, temporary easement from River's Edge One, for the property located at 6371 Riverside Drive, for the construction of a roundabout at the intersection of State Route 161 and Riverside Drive and a shared-use path adjacent to Riverside Drive, and declaring an emergency. (Request to dispense with public hearing)

Ordinance 19-15

Authorizing the appropriation of a 0.109 acre, more or less, permanent easement; and A 0.130 acre, more or less, temporary easement from Patrick W. Hitesman, for the property located at 6332 and 6350 Riverside Drive, for the construction of a roundabout at the intersection of State Route 161 and Riverside Drive and a shared-use path adjacent to Riverside Drive, and declaring an emergency. (Request to dispense with public hearing)

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Ordinance 20-15

Authorizing the appropriation of a 0.018 acre, more or less, temporary easement from Four Fives, LLC, for the property located at 6300 Riverside Drive, for the construction of a roundabout at the intersection of State Route 161 and Riverside Drive and a shared-use path adjacent to Riverside Drive, and declaring an emergency. (Request to dispense with public hearing)

Ordinance 21-15

Authorizing the appropriation of a 0.082 acre, more or less, temporary easement from MR/TSARR Owner, LLC, for the property located at 4305-4335 W. Dublin Granville Road, for the construction of a roundabout at the intersection of State Route 161 and Riverside Drive and a shared-use path adjacent to Riverside Drive, and declaring an emergency. (Request to dispense with public hearing)

Mayor Keenan moved to introduce Ordinances 16-15 through 21-15 and to suspend Council Rules of Order in order to consider Ordinances 16-15 through 21-15 together.

Vice Mayor Gerber seconded the motion.

Vote on motion: Mr. Lecklider, yes; Mayor Keenan, yes; Mr. Reiner, yes; Mr. Peterson, yes; Ms. Salay, yes; Vice Mayor Gerber, yes.

(The Clerk read the names of the property owners and addresses into the record.)

Ms. O'Callaghan stated that the City is preparing to improve the intersection at SR 161 and Riverside Drive with the goal of providing a safer and more efficient intersection. As part of the project, a shared-use path will be built on the east side of Riverside Drive heading south from the intersection and connecting to an existing shared-used path at Martin Road. The City must obtain property interests from these owners in order to build that project. Staff hopes to reach agreement with the property owners; however, these ordinances authorize the Law Director's office to proceed with eminent domain in the event that agreement cannot be reached.

Ms. Salay inquired if the City has made initial contact with the individual property owners.

Ms. O'Callaghan responded that there have been multiple contacts.

Mayor Keenan invited public testimony.

Wallace Maurer, 7451 Dublin Road, Dublin stated that he does not know any of these property owners and has not had contact with them, but it seems that invoking eminent domain in this case is worthless and immoral. Paying them the appraised value of the land is inadequate. They should receive an amount that would allow them to relocate. It would be fair and show that Dublin is a great City.

Mr. McDaniel stated that he appreciates that perspective. The purchases presented to Council tonight are primarily easements, both permanent and temporary. There is no full taking of the properties, which will remain relatively uninterrupted, except during the course of construction. The City conducts some roadway construction projects where there is a significant impact on the properties. In those cases, the City has had great success in relocating the property owners and buying the full property when a roadway adjacent to a home would be relatively intolerable. That is not the case in this situation.

Mr. Maurer inquired if these property owners would remain on their properties.

Mr. McDaniel responded that they would.

Ms. O'Callaghan noted that the structures on the properties would not be impacted.

Vice Mayor Gerber moved to dispense with the public hearing and treat the ordinances as an emergency.

Ms. Salay seconded the motion.

Vote on the motion: Mr. Peterson, yes; Ms. Salay, yes; Vice Mayor Gerber, yes; Mr. Reiner, yes; Mayor Keenan, yes; Mr. Lecklider, yes.

Vote on the Ordinances: Mayor Keenan, yes; Mr. Lecklider, yes; Ms. Salay, yes; Vice Mayor Gerber, yes; Mr. Peterson, yes; Mr. Reiner, yes.

INTRODUCTION/PUBLIC HEARING/VOTE - RESOLUTIONS

Resolution 25-15

Authorizing the City Manager to Execute a Lease Agreement with Metro Data Center Expanding the Dublin Entrepreneurial Center at 565 Metro Place South, Suite 190.

Vice Mayor Gerber introduced the resolution.

Ms. Gilger stated that the DEC is out of space and looking for expansion space in the existing building located at 565 Metro Place South. There is an empty suite on the first floor of over 5,000 square feet, which would provide expanded room for training and access to a kitchen area. It would also help defer the cost of new office space that would be associated with this suite by helping cover the cost of all the common areas and conference rooms. This resolution authorizes a three-year lease agreement at a cost of \$85,000/year, which aligns with the current DEC lease of the third floor and the first floor training room. Because of the new training room space, the access to the existing training space would change and would be from the main lobby. The number of offices will also be increased. The first floor offices would be larger than the current offices on the third floor, enabling growing companies on the third floor to relocate to the first floor, and new companies to move into the vacated offices on the third floor.

Mayor Keenan stated that he believes there is a waiting list for space at the DEC.

Ms. Gilger confirmed there is a waiting list of approximately a dozen companies. This agreement will be structured similarly to the third floor lease.

Mayor Keenan stated that it is an impressive, high tech facility, even in the kitchen area, where the vending machines are operated by thumbprint identification.

Vice Mayor Gerber encouraged any Council members who have not yet visited the facility to do so. It is a facility where many sophisticated operations are occurring. The director is doing a great job, and there is an energized environment. The City is fortunate to have had the opportunity to provide this within the community.

Vote on the Resolution: Ms. Salay, yes; Mayor Keenan, yes; Mr. Reiner, yes; Mr. Lecklider, yes; Mr. Peterson, yes; Vice Mayor Gerber, yes.

COUNCIL COMMITTEE REPORTS

Community Development Committee. Mr. Reiner, Chair reminded Committee members of the meeting scheduled on Wednesday, March 4 at 6:30 p.m. to review the grant applications.

Public Services Committee. Ms. Salay, Chair stated that a committee meeting is scheduled tomorrow evening, February 24 at 6:30 p.m. The committee will discuss proposed July 4 event changes, and Chief von Eckartsberg will discuss event traffic plans.

PZC Representative. Ms. Salay reported that the PZC, BZA, ARB had a very good training session on February 19, where a review of the Bridge Street Corridor planning history was also provided. The new PZC members expressed appreciation for the training.

COUNCIL ROUNDTABLE

Mr. Lecklider:

1. Reported that he attended the US 33 Corridor meeting this afternoon. Mr. McDaniel, Mr. Hammersmith and Ms. Willis also attended. The focus was transportation, and Ms. Willis made one of the two presentations.
2. Thanked staff for his recent opportunity to ride with a City snowplow operator. He had an opportunity to see close up the skill and dedication of the drivers who take pride in doing this work well. The work involves long shifts, operating heavy equipment in the dark in very difficult road conditions. When he set out Saturday morning, he did not anticipate having such a long experience, but the drivers do not return to the garage for breaks! After an 11-hour "shift," he was eager to leave the truck and head home!

Mr. Reiner thanked Mr. Hammersmith and Engineering staff for undertaking the Avery-Muirfield Drive and Tullymore Drive intersection improvements. This addresses a very

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confusing and dangerous traffic situation. He anticipates the signage will be very beneficial to drivers navigating the area.

Vice Mayor Gerber reported that he attended the Business First Power Breakfast on February 11. He hopes that the presentations were recorded, because both City Manager McDaniel and Mr. Foegler gave outstanding presentations. It made him very proud -- not only to serve on this City Council, but also to be a Dublin resident. There were comments that Dublin is very fortunate to have a city this vibrant and a City Manager so optimistic who is leading the charge.

Mr. McDaniel expressed kudos to staff for all the great support provided for their presentations. There were also three Dublin CEOs participating in the panel discussion -- George Barrett of Cardinal Health, Scott White of IGS Energy, and Dr. William Burke of the Ohio University Heritage College of Osteopathic Medicine. He thanked them for coming out and telling the Dublin story. It is powerful to have folks of that caliber speaking about the City!

Mayor Keenan reported:

1. He recently presented a proclamation at the DEC and enjoyed meeting with the group. There was an excellent turnout for the luncheon event.
2. He met with the Taiko drum group yesterday and with the Deputy Consul General of Japan last Thursday. These meetings were in anticipation of his upcoming trip to Japan. As Mayor, he was invited by the Consul General in Detroit to visit Japan as a guest of the Ministry of Foreign Affairs. It is interesting that Dublin has the largest Japanese population of any city in Ohio -- over 2,000. This is an economic development trip, as reflected in many of the items on his eight-day itinerary. Along with a visit to the Ministry of Foreign Affairs, he will be visiting the counterpart of the Hidaka facility in Japan, and the U.S. Embassy. Mr. McDaniel urged acceptance of the invitation to enhance the City's relationship with Japan, and he is glad to be able to represent Dublin.

ADJOURNMENT

The meeting was adjourned at 8:15 p.m.

Mayor -- Presiding Officer

Clerk of Council